

# Kluwer Patent Blog

## The successful development of the Eurasian community

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Since the Eurasian Patent Convention was signed in 1994 it has been shaping the global IP landscape. In the 25 years 22.700 Eurasian patents were granted at the Eurasian Patent Organization (EAPO). Recently Eurasia expanded the activities to include the applications of industrial designs and although it is not yet possible to file Eurasian trademarks, there is a relevant agreement. IP experts Vladimir Biriulin and Nikolay Bogdanov, both partners in the Russian Law Firm [Gorodissky & Partners](#), expect some interesting development in the future.

### Could you tell a little about IP in general in Eurasia?

There is a cluster of countries that remained after breakup of the Soviet Union and they kept their economic and, in part, political interactions. There was and is a wide exchange of goods among those countries and individual IP regulation was a bar in the way of smooth cooperation between the Eurasian countries. At some point of time in the past those countries decided to implement an instrument pushing forward their economic cooperation. After a series of international meetings and also involvement of WIPO a Eurasian Patent Organization was founded and a Eurasian Patent Convention was signed in 1994. The convention was signed by Azerbaijan, Armenia,



Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan and Ukraine. The Convention went into force on August 12, 1995. Not all countries ratified the Convention so that currently the following countries are members of the Convention: Azerbaijan, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan.

The Eurasian Patent Office has been accepting patent application since then. A Eurasian patent, unlike European patent is a unitary patent and does not require translation into national languages. A Eurasian patent application is filed and examined in the Russian language, the patent is issued in Russian and is valid in all those countries.

**Recently there have been some important changes in the law. What would you say are the**

### **most noticeable changes?**

The Eurasian Patent Office has been successfully operating for many years until it decided that it should expand its scope of activities and the member countries concluded a supplement to the Eurasian Patent Convention with regard to industrial designs. Patent applications for designs started flowing in to the Eurasian Patent Office from June 1, 2021.

### **What are the IP challenges in Eurasia?**

The countries members of the Eurasian patent Convention have similar but not harmonized legislation. This is true for the members of the Eurasian Patent Convention as well for the members of the Eurasian Economic Union.

Russia has an IP court while other Eurasian countries do not have such specialized courts and some of them do not have much experience in examination of IP disputes.

The Eurasian Economic Union (Armenia, Belarus, Kazakhstan, Kyrgyzstan and Russia) have no customs borders allowing the goods to move freely through the Union territory. This requires creation of a Unified Customs IP Register. This issue has been discussed and relevant regulations have been agreed upon however it is not yet possible to enter IP in the Register, probably because of some technical reasons.

### **What are the recent trends in Eurasia?**

The recent trends in the development of the Eurasian countries consists in that a Eurasian Economic Union was founded in 2014 with participation of Armenia, Belarus, Kazakhstan, Kyrgyzstan and Russia. The Union was set up with a view to strengthen relations between the member countries. A logical development further to the formation of the Economic Union was an agreement on a Eurasian trademark. A relevant agreement was signed and entered into force. Unfortunately it is not yet possible to file Eurasian trademarks because of some technical reasons. The Eurasian trademark applications will be filed to each national office and the central office for managing and keeping up the Eurasian Trademark Register will be the Eurasian Economic Commission.

President of the Eurasian Patent Office ventured an idea that the office would be glad to take the Eurasian trademark within its ambit so there may be some interesting developments in the future.

Another important event: the Eurasian Patent Organization set up a Pharmaceutical Register. It contains information on Eurasian patents regarding pharmacological active substances having international non-proprietary names (INN). Beginning March 1, 2021 Eurasian patent owners may file a request to the Eurasian Patent Office to include their patents into the Register.

### **What is the future for IP in Eurasia?**

The Eurasian community is successfully developing. The applicants understand that it is more convenient and more cost efficient to obtain IP protection in a bundle of countries so that we look optimistically to the future of the Eurasian Patent Organization.

Next year, a new President of the Eurasian Patent Office will take office. He voiced plans to develop the Eurasian patent system. In particular, he suggested that a special Eurasian jurisdiction

should be proclaimed for the purpose of examining conflicts in the field of IP. Now EAPO may take administrative decisions while he proposed that the conflicts could be settled in a judicial procedure.

**You are author of the Eurasia chapter for the Wolters Kluwer publication ‘Manual of IP (also known as the Brown Book)’. Could you give an insight in what it is like to be involved in this?**

The Brown book is one of the best tools for international filers. Anyone who wishes to obtain protection in does not matter which countries goes first to the Brown Book to seek understanding where and how their IP may be protected. The Brown Book may also be used by scientists needing to make a comparative analysis of the situation in various countries. We are proud to be part of the project and of the team making the Brown Book popular.

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